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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

C&C JEWELRY MANUFACTURING,  
INC., a California corporation,

Plaintiff and Counter-  
Defendant,

v.

TRENT WEST,

Defendant and Counter-  
Claimant.

Case No. 5:09-cv-01303-JF-HRL

**JOINT STIPULATION AND [PROPOSED]  
ORDER OF PARTIAL DISMISSAL  
WITHOUT PREJUDICE**

Judge: Honorable Jeremy Fogel

Pursuant to FED. R. CIV. P., Rules 41(a)(1)(A)(ii) and 41(c), Plaintiff and Counter-Defendant C&C Jewelry Mfg. Co, Inc. ("C&C"), and Defendant and Counter-Claimant Trent West ("West") hereby jointly file this Stipulation of Partial Dismissal Without Prejudice as follows:

I.

C&C hereby dismisses, without prejudice, Count VII (Non-Infringement, Invalidity, and Unenforceability of U.S. Patent No. 7,076,972) set forth in its original Complaint for Declaratory Judgment (Doc. No. 1).

II.

West hereby dismisses, without prejudice, its First Counterclaim (Infringement of U.S. Patent No. 7,076,972) set forth in its original Answer and Counterclaims (Doc. No. 6).

III.

West stipulates to C&C's dismissal without prejudice of its Count VII (Non-Infringement, Invalidity, and Unenforceability of U.S. Patent No. 7,076,972). C&C stipulates to West's dismissal without prejudice of its First Counterclaim (Infringement of U.S. Patent No. 7,076,972).

IV.

Each of the parties agrees to bear its respective fees and costs in this action with regard to the claims dismissed herein.

Respectfully stipulated to by:

SCHEEF & STONE, LLP

KING & KELLEHER, LLP

By: /s/ John G. Fischer  
John G. Fischer

By: /s/ Edward Vincent King  
Edward Vincent King

Attorneys for Plaintiff C&C Jewelry Mfg.,  
Inc.

Attorneys for Defendant Trent  
West

Date: May 19, 2011

Date: May 19, 2011

**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X (B) regarding signatures, I, John Fischer,  
attest that concurrence in the filing of this document has been obtained.

SCHEEF & STONE, LLP

By: /s/ John G. Fischer

John G. Fischer

Attorneys for Plaintiff C&C Jewelry Mfg.,  
Inc.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

June 8

DATED: ~~May~~ \_\_\_\_\_, 2011.



Hon. Jeremy Fogel  
United States District Judge